

REMARKS

Claims 1, 2, 4-8, 16 and 17 are pending in the application. Claim 2 has been amended. Claim 3 has been canceled without prejudice or disclaimer. Reconsideration of this application is respectfully requested.

The Office Action rejects claim 16 under 35 U.S.C. 102(b) as anticipated by Al-Khudair et al., "Object-Oriented Versioning in a Concurrent Engineering Design Environment", 2001, Springer-Verlag Berlin Heidelberg, pp. 105-125, hereafter Al-Khudair.

This rejection is respectively traversed. Independent claim 16 recites:

"when checking-in an object, determining relationships of said object by".

The Examiner contends that Al-Khudair discloses this recital, citing page 107, first paragraph. However this citation states that "check-in and checkout operations are used to deposit and retrieve design objects to/from workspaces. There is no mention of "when checking-in an object, determining relationships of said object". The Examiner in considering the sub-steps cites other portions of Al-Khudair. These other portions also do not mention "when checking-in an object, determining relationships of said object". Therefore, Al-Khudair lacks the step of "when checking-in an object, determining relationships of said object" and all of its sub-steps. Accordingly, Al-Khudair does not anticipate claim 16.

For the reason set forth above, it is submitted that the rejection of claim 16 under 35 U.S.C. 102(b) as anticipated by Al-Khudair is erroneous and should be withdrawn.

The Office Action rejects claims 1-8 and 17 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 6,449,624 to Hammack et al., hereafter Hammack in view of Al-Khudair.

This rejection is respectfully traversed. This rejection is moot as to claim 3, which has been canceled, and as to claim 2 which has been amended to include the language of canceled claim 3. Amended claim 3 presents a new combination not yet considered by the Examiner.

The Examiner admits that Hammack does not disclose the following recital contained in independent claims 1, 5 and 17:

"wherein said object is a user defined template that is derived from a preconfigured object, and wherein said existing dependent objects are children user defined templates of said object being checked out or instances of said object being checked out or of said children user defined templates".

The Examiner contends that Al-Khudair discloses this recital, citing page 107, lines 2 and 3, Fig. 7, section 4, sub-section 4.1, and page 113, first full paragraph. This contention is erroneous. None of these citations describes or mentions that an "object is a user defined template that is derived from a preconfigured object". Therefore, Al-Khudair does not supply the deficiency of Hammack. Accordingly, independent claims 1, 5 and 17 and their respective dependent claims 2, 4 and 6-8 are unobvious in view of the combination of Hammack and Al-Khudair.

The Office Action suggestion to use the combination of Hammack and Al-Khudair is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the

reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reasons set forth above, it is submitted that the rejection of claims 1, 2, 4-8 and 17 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be withdrawn, that claims 1, 2, 4-8, 16 and 17 be allowed and that this application be passed to issue.

For the reasons set forth above, it is submitted that this amendment places the application in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and passed to issue. If this amendment is deemed to not place the application in condition for allowance, it is respectfully requested that it be entered for the purpose of appeal.

Respectfully Submitted,

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